

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

FELIPE ROMAN HOLGUIN,

Plaintiff,

v.

MADERA COUNTY JAIL  
CAPTAIN 2015, et al.,

Defendants.

**1:21-cv-01586-GSA-PC**

**ORDER TO SHOW CAUSE WHY THIS  
ACTION SHOULD NOT BE DISMISSED AS  
BARRED BY *HECK V. HUMPHREY*, 512 U.S.  
477 (1994) and *EDWARDS v. BALISOK*, 520  
U.S. 641 (1997).**

**(ECF No. 11.)**

**30 DAY DEADLINE**

Felipe Roman Holguin ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis* with this civil rights action pursuant to 42 U.S.C. § 1983. On February 8, 2022, Plaintiff filed his First Amended Complaint. (ECF No. 11.)

Plaintiff complains of having been wrongly charged, found guilty of manslaughter, and sentenced to 25 years to life. Plaintiff alleges that he is innocent of this charge, he was not allowed copies of discovery or other legal materials, and he was not informed of crucial evidence by his public defender. Plaintiff also alleges that he lost custody of his kids in a civil case because he was denied all legal materials.

Plaintiff names as defendants four members of the Madera County correctional staff for denying him access to legal materials while he was in custody at the Madera County Jail. Plaintiff

1 seeks an order declaring that his constitutional rights to due process and a fair trial were violated  
2 and awarding him monetary damages.

3 When a prisoner challenges the legality or duration of his custody, or raises a  
4 constitutional challenge which could entitle him to an earlier release, his sole federal remedy is  
5 a writ of habeas corpus. Preiser v. Rodriguez, 411 U.S. 475 (1973); Young v. Kenny, 907 F.2d  
6 874 (9th Cir. 1990), cert. denied 11 S.Ct. 1090 (1991). Moreover, when seeking damages for an  
7 allegedly unconstitutional conviction or imprisonment, “a § 1983 plaintiff must prove that the  
8 conviction or sentence has been reversed on direct appeal, expunged by executive order, declared  
9 invalid by a state tribunal authorized to make such determination, or called into question by a  
10 federal court’s issuance of a writ of habeas corpus, 28 U.S.C. § 2254.” Heck v. Humphrey, 512  
11 U.S. 477, 487-88 (1994). “A claim for damages bearing that relationship to a conviction or  
12 sentence that has not been so invalidated is not cognizable under § 1983.” Id. at 488. This  
13 “favorable termination” requirement has been extended to actions under § 1983 that, if  
14 successful, would imply the invalidity of prison administrative decisions which result in a  
15 forfeiture of good-time credits. Edwards v. Balisok, 520 U.S. 641, 643–647 (1997).

16 The First Amended Complaint does not contain any allegations showing that Plaintiff’s  
17 finding of guilt has been reversed, expunged, declared invalid, or called into question by a writ  
18 of habeas corpus.

19 Accordingly, it is HEREBY ORDERED that within **thirty (30) days** from the date of  
20 service of this order, Plaintiff shall show cause in writing why this action should not be dismissed  
21 as barred by Heck v. Humphrey, 512 U.S. 477 (1994) and Edwards v. Balisok, 520 U.S. 641,  
22 643–647 (1997). **Failure to respond to this order will result in dismissal of this action,**  
23 **without prejudice.**

24  
25 IT IS SO ORDERED.

26 Dated: February 9, 2022

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE

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